



# COMMUNITY DEVELOPMENT DIVISION

## Department of Planning and Development Review

### Frederick County, Maryland

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#### EXECUTIVE SUMMARY/STAFF REPORT

TO Board of County Commissioners  
FROM Eric Soter, Director  
DATE February 20, 2013  
SUBJECT Septic Bill Growth Tier Map Reconsideration

#### **ISSUE**

Staff will be presenting a draft Growth Tier Map for the BOCC to consider adopting that would replace the Growth Tier Map previously adopted by the BOCC on December 20, 2012.

#### **BACKGROUND**

On December 20, 2012 staff presented to the BOCC for consideration a Draft Septic Tier Map for the purpose of complying with Senate Bill 236 (i.e. the Septic Bill) during the 2012 legislative session. The complete staff report can be found on the 12/20/12 BOCC Agenda page, (<http://frederickcountymd.gov/Archive.aspx?AMID=30>) and following the link to the 'Septic Bill 236' Staff Report. At that time, the BOCC reviewed the draft map and voted to adopt a tier map with only government owned properties and non-residential uses to be located in Tier IV. . The revised map was then transmitted to the Maryland Department of Planning (MDP) on December 31, 2012. In a comment letter from MDP dated January 22, 2013 the MDP opined that the map did not meet the statutory provisions of the state law. The comments from MDP trigger a requirement to hold a public meeting on the comments.

In addition, during this current legislative session, there have been discussions at the state level regarding SB 236 and some of the issues related to compliance throughout the state. It has been suggested that further penalties (decertification of land preservation programs, reductions in other infrastructure funding, etc...) may be forthcoming to those jurisdictions who do not fully comply with SB 236. As a result, Commission President Young and Community Development Director Soter, met with Secretary of Planning Richard Hall recently to discuss the specific issues surrounding Frederick County's map, our concern with continuing the opportunity for rural development (namely agricultural clusters), and the State exemption process for Tier IV areas for major subdivisions. Staff is expecting a letter from the Secretary's office shortly, to confirm the discussion and outline the procedural steps for the County regarding the exemption process.

#### **Draft Growth Tier Map**

The differences between the adopted December 20<sup>th</sup> map and the draft map only focus on the Tier III and Tier IV areas. The Tier I, IA, II, and IIA areas would not change.

Please note that the color scheme used for the adopted December 20<sup>th</sup> map (Tier III is WHITE, Tier IV is ORANGE) is different from the draft map (Tier III is ORANGE, Tier IV is WHITE).

Refer to the attached Application of Growth Tiers for Frederick County for a description of how the growth tiers are applied for the draft map.

**RECOMMENDATION**

Staff recommends adoption of the Draft Growth Tier Map, which would replace the map adopted December 20, 2012.

**Attachments**

Application of Growth Tiers for Frederick County  
Draft Growth Tier Map